IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 4815 of 1993

Between:

1. L.M.Konda Reddy, s/o. Peddi reddy, aged about 55 years, R/o. Peddayapalli, Penagaluru Mandal.
2. Maddala Eswaramma, W/o. Kondaiah, aged 37 years
3. Battula Ramanaiah, S/o. Subbanna, aged 31 years.
4. Maddula Narasamma, W/o. Mallam Kondareddy, aged 46 years.
5. Kathuru Tirupaiah, S/o. Somireddy, aged 32 years.
6. Kathuru Laxmaiah, S/o. Somireddy, aged 42 years.
7. Devuru Kamakshamma, W/o. Narasimhareddy, aged 38 years.
8. Todati Penchalaiah, S/o. Tirupalu, aged 52 years.
9. Todati Narasimhulu, S/o. Chenchaiah, aged 32 years.
10. Kothuru Rami Reddy, S/o. Somi reddy, aged 58 years
11. Kondreddy Rajamma, w/o Subba Reddy,aged 38 years
12. Madireddy Venkata Subbaiah, s/o Venkata Subbaiah, aged 52 years
13. Kothuru Somayya, s/o Chenchaiah, aged 59 years
14. Lanka Pedda Subbamma, w/o Somi Reddy, aged 57 years
15. Bathula Peda subbaiah, s/o Subbaiah, aged 55 years
16. M.Subba Rayudu, s/o Somi Reddy, aged 32 years
17. Alampati Laxmi Reddy, s/o Gangireddy,aged 42 years
18. Yeri Ramaiah, s/o Subbaiah, aged 32 years

19. Kothuru Somi Reddy s/o Chenchaiah, aged 50 years
20. Bathula Peda Yanadi, s/o Pitchaiah, aged 52 years
21. Bathula Laxmamma, w/o Ankaiah, aged 47 years
22. Bathula Chinna Yanadaiah, s/o Pitchaiah, aged 47 years
23. Bathula Ankayya, s/o Rosaiah, aged 52 years
24. Bathula Subbarayudu, s/o Peda Yanadaiah, aged 32 years
25. Lanka Narayanamma, w/o Kondareddy, aged 52 years
26. Bathula Ramanaiah, s/o Narasaiah, aged 32 years
27. Bathula Ramanaiah, s/o Avelikudi Subbaiah, aged 32 years
28. D.Krishna Reddy, s/o Papi Reddy, aged 42 years
29. Maddla Rajamma w/o China Kondaiah, aged 32 years
30. Lanka Chinna Konda Reddy, s/o Peddi Reddy, aged 52 years
31. Meddla Subbamma w/o Lingaiah, aged 47 years
32. Battala Venkata Subbaiah, s/o Narasaiah, aged 55 years
33. Battala Seshaiah, s/o Subbaiah, aged 36 years
34. Y.Rama Subba Reddy, s/o Sesha Reddy, aged 43 years
35. Patala Rukminamma, w/o Subbaiah, aged 36 years
36. Duggireddy Kamalamma, w/o Papi Reddy, aged 50 years
37. Battala Yanadamma, w/o Venkata Subbaiah, aged 47 years
38. Maddala Mallam Kondaiah, s/o Basavaiah, aged 51 years
39. Battala Bakkaiah, s/o Penchalaiah, aged 47 years
40. D.Hanuman Reddy, s/o Papi reddy, aged 38 years
41. Battala Ankaiah, s/o China Penchalaiah, aged 40 years
42. Battala Penchalaiah, s/o China Ankaiah, aged 42 years
43. O.Venkateswarlu, s/o Venkata rao, aged 52 years
44. Battala China Ankaiah, s/o Penchalaiah, aged 55 years
45. Battala Penchalaiah, s/o Narasaiah, aged 32 years
46. Battala Ramanaiah, s/o Narasaiah, aged 35 years
47. Battala Ankaiah, s/o Seshaiah, aged 50 years
48. Chilakalakonda Guru Prasada Rao, s/o Murthaiah, aged 37 years

49. Abbu Subbaiah, s/o Nagaiah, aged 45 years
50. Battala Ankaiah, s/o Seshaiah, aged 52 years
51. P.V.Chalpathi Rao, S/o. Suraiah, aged 46 years
52. Peddamalla Venkatarathnayya, S/o. Narayanayya aged 61 years
53. D.Shyamasunder Reddy, s/o Ashi Reddy, aged 35 years
54. Battala Ankaiah, S/o. Ch. Penchalaiah, aged 52 years
55. Kothuru Eswaramma w/o Somireddy aged 32 years
56. Dasireddy Kamakshamma w/o. Narasimhareddy aged 46 years
57. Battala China Ankaiah, s/o. Penchalaiah, aged 55 years
58. M. Lingareddy, s/o Chinnappareddy aged 46 years
59. K. Raghuramaiah, s/o Raghavaiah, aged 42 years
60. K.V.Raghavaiah s/o Shivaramaiah aged 42 years
61. Kothuru Ademma w/o. Somireddy, aged 45 years
62. Kothuru Somireddy, s/o Chenchalaiah, aged 49 years
63. Goru Venkataiah, s/o Penchalaiah, aged 48 years
64. Narala Narayana s/o Ramaiah, aged 48 years
65. Ummadi Rama Laxmamma w/o Venkatreddy aged 51 years
66. Barla Venkateswarlu, s/o Uppalaswamy, aged 37 years
67. Penubarthi Venkataraju, s/o. Seshamraju, aged 44 years
68. Battala Palli Donamma, w/o. Chennaiah, aged 36 years
69. Valluru Danamma, w/o Prabhakara Reddy, aged 35 years
70. Yerri Subba Reddy s/o Subbaramireddy, aged 43 years
71. Mallu Chennaiah, s/o. Narasaiah, aged 46 years
72. Nagamani Tirupalu, S/o Chennaiah, aged 49 years
73. D. Nageswara Rao, s/o. Venkatasubbaiah, aged 45 years
74. Daladoli Ademma w/o Sambaiah, aged 52 years
75. Sagi Venkataraju, s/o. Subbaraju, aged 53 years
76. Cheruku Roshaiah, s/o. Penchalaiah, aged 63 years
77. J.C.Venkataiah, s/o. Roshaiah, aged 38 years
78. Reddipogu Narasaiah, s/o. Bodaiah, aged 55 years

79. Muramreddi Raghavareddi s/o. Ramireddi, aged 58 years
80. Boyilla Guravaiah, S/o. Jangaiah, aged 41 years
81. Y. Pardhasarathi Reddy, s/o. Subbramireddy, aged 42 years
82. Kukkala Ankayya s/o. Papaiah, aged 42 years,
83. Lanka Prabhavathamma, w/o. Subbareddy aged 43 years
84. Thummala Pentasubbaraidu, s/o. Ramaiah, aged 59 years
85. Mallu Venkataiah, s/o. Mallaiah, aged 52 years
86. Nalgonda Kondareddi s/o. Pitchireddi, aged 42 years
87. Mallu Venkataiah, s/o. Mallaiah, aged 52 years
88. M. Radhamma, w/o. Krishnareddy aged 42 years
89. Kukkala Papaiah, s/o. Kondaiah, aged 60 years
90. Gollapalli Venkataswami, s/o. Venkatanarsaiah, aged 52 years
91. Beyilla Guravaiah, s/o. Erra Guravaiah, aged 42 years
92. Lanka Narayanamma, w/o. Kondareddy aged 52 years
93. Dasari Tellaiah, s/o. Guravaiah, aged 37 years
94. Reddipogula Bodaiah, s/o. Nayya aged 47 years
95. Kaki Polaiah, s/o. Narasaiah, aged 57 years
96. Kaki Narasaiah, s/o. Polaiah, aged 32 years
97. P.Suraiah, s/o. Ramanareddi aged 52 years
98. Duburi Ramaiah, s/o. Penchalayya, aged 42 years
99. Nagam Yerikulaiah, s/o. Subbaramaiah aged 45 years
100. Siripareddi Venkatareddi s/o. Venkatareddi aged 45 years
101. Y.Ramanama w/o Rama Subbareddy, aged 42 years,
102. Manmati Venkatasubbaiah, s/o Ramaiah,aged 52 years
103. K.Subjathamma w/o Prasad Reddy, aged 34 years
104. Valuru Laxminarasamma w/o Chinna Kondareddy, aged 37 years,
105. Tiruvendula Subbaramaiah s/o Siddaiah, aged 42 years,
106. S.Hussaian Saheb s/o Hussain Saheb, aged 47 years
107. Kambampati Penchaiah, s/o Nagaiah,aged 77 years
108. India Subbaiah s/o Nagaiah, aged 52 years

109. S.Kasim Saheb s/o Peera Sahab, aged 52 years
110. Dabba Jayapaya Paul, s/o Venkataswamy, aged 57 years
111. Dabba Venkataswamy, s/o Chenganapuram,aged 56 years
112. Rana Narasimhulu s/o Tellamsingh, aged 59 years
113. Jalakam Venkataiah s/o Pitchaiah, aged 45 years
114. Yegu Tirupalu s/o Ankaiah, aged 47 years,
115. Kukkala Ankaiah s/o Papaiah, aged 45 years
116. Uripindi Roshi Reddi s/o Subbareddy, aged 47 years
117. Muddala Narasamma w/o Mallem Kondaiah,aged about 45 years
118. Syed Ghouse Basha s/o Atharsaheb ,aged 47 years
119. Kathibayana Kondaiah, s/o Pitchaiah, aged 57 years
120. Manneti Venkasubbareddi s/o Ramaiah, aged 52 years
121. Kalliboyina Narasaiah s/o Pitchaiah, aged 59 years
122. M.Chinnappa reddy, s/o Narsa Reddy, aged 42 years
123. Poliboyina Subbamma w/o Rosahaiah, aged 45 years
124. Chaganti Narasimhulu s/o Penchalaiah, aged 47 years,
125. Ponguru Ankaiah s/o Guruvaiah, aged 61 years
126. Mallamkonda Konda Reddy s/o Pitchireddy, aged 42 years
127. Tota Satyam s/o Roahaiah aged 47 years
128. Maddala Venkataratnaiah s/o Nagaiah, aged 52 years
129. Duggireddi Kamalamma w/o Papireddy, aged 57nyears
130. V.Venkata Reddy s/o Somi Reddy, aged 42 years
131. Mabbu Subbamma s/o Iyyanna, aged 47 years
132. Sunku Brahmaiah s/o Gurumurti,aged 37 years
133. T.Subbamma w/o Chenchaiah, aged 47 years
134. Bathula Bakkaiah, s/o Penchalaiah,aged 47 years
135. B.Venkata subbaiah, s/o Penchalaiah, aged 57 years
136. Dulla Penchalamma w/o Penchalaiah,aged 57 years
137. Bathula Venkatasubbaiah s/o Penchalaiah, aged 52 years
138. Thodeti Narasimhulu,s/o Chenchaiah,aged 32 years

139. G.Subba Reddy, s/o Venkatareddi ,aged 42 years
140. Pothula Venkataiah, s/o Ramaiah,aged 52 years
141. Sunku Sulochanamma w/o Brahmaiah,aged 33 years
142. Bathula Bakkaiah s/o B.C.Penchalaiah,aged 47 years
143. Gali Penchalaiah s/o Venkataiah, aged 52 years
144. Patta Subbaramayya s/o Paravathaiah, aged 52 years
145. M.Pattabhiramayya s/o Venkatachalam, aged 57 years
146. Yekasire Penchalaiah, s/o Chenchalaiah, aged 52 years
147. Jalakam Venkataiah, s/o Vehnchalaiah, aged 52 years
148. Kothuru Krishna Reddy s/o Penchala Reddy, aged 35 years
149. Indla Narasimhulu s/o Roshaiah, aged 32 years
150. Kambampati Gangulaiah s/o avulaiah,aged 87 years
151. Kambampati Ramanaiah s/o Chinnaiah, aged 35 years
152. K.Subbaiah, s/o Chenchaiah,aged 37 years
153. Kambampati Ramanamma w/o Tirupaiah, aged 35 years
154. Kothuru Chandrasekhar Reddy s/o Penchala reddy,aged 32 years
155. Kambampati Subbaiah s/o Chanchaiah, aged 37 years
156. Patra Subbaramayya s/o Parvataiah,aged 45 years
157. D.V.Subbaiah s/o Parvataiah, aged 45 years
158. K.Subbaiah s/o Chenchaiah, aged 37 years
159. Yekasire Tirupaiah s/o Penchalaiah, aged 37 years
160. Yekasire Penchalaiah, s/o Chenchalaiah, aged 57 years
161. Indla Chinnaka w/o Roshaiah, aged 57 years
162. K.Prabhakar Reddy, s/o subbaramireddy, aged 37 years,
163. Gali Penchalaiah, s/o Roshaiah, aged 42 years
164. Indla Narasimhulu, s/o Roshaiah, aged 42 years
165. Kothuru Tirupali Reddy s/o Somi reddy, aged 32 years
166. Yakasire Venkatamma w/o Penchalaiah, aged 47 years
167. Marrireddi Venkasubba reddy s/o Narsareddy, aged 57 years
168. Kambampati Laxmaiah s/o Penchalaiah, aged 53 years

169. L.Konda Reddy s/o Peddi reddy, aged 32 years
170. Yekasire Chinnabba s/o Venkataiah, aged 47 years
171. Jalakam Vengalaiah s/o Subbaiah, aged 52 years
172. M.Penchalaiah s/o Papaiah, aged 57 years
173. Vellampalle Ramaiah s/o Seshaiah, aged 52 years
174. Kanchapati Nagulu s/o Polaiah, aged 32 years
175. N.Subbarayudu s/o Nachamraju s/o 37 years
176. Yekasire Laxmayya s/o Penchalaih,aged 47 years
177. Kambampati Nagayya s/o .. aged 47 years
178. K.Chinnaiah, s/o Penchaiah, aged 49 years
179. K.Laxmaiah, s/o. Narsaiah, aged 47 years
180. Chintama Reddy subbareddi, aged 57 years
181. K.Penchalaiah, s/o. Papaiah, aged 57 years
182. Kambampati Adaiah, s/o. Bangaraiah, aged 59 years
183. Yekasira Venkatamma, w/o. Peddapenchalaiah, aged 46 years
184. Kambampati Gangamma, w/o. Polaiah, aged 52 years
185. Tikkavarapu Subbaiah, s/o. Polaiah, aged 47 years
186. Patala Penchalaiah, s/o. Narasaiah, aged 52 years
187. Indla Narsaiah, s/o. Narsaiah, aged 42 years
188. Indla Narsaiah, s/o. Nagaiah, aged 45 years
189. Kambampati Subbamma, w/o. Avulaiah, aged 47 years
190. N. Kondareddi, s/o. Papireddi, aged 42 years
191. K. Avulaiah, s/o. Gangulaiah, aged 42 years
192. K.Chinnayya, s/o. Gangulaiah, aged 47 years
193. K. Rosaiah, s/o. Chinnayya, aged 35 years
194. Yerri Achama, s/o. Subbireddi aged 47 years
195. Lanka Mallareddi, s/o. Polaiah, aged 57 years
196. Yekasili Laxmayya, s/o. Penchalayya, aged 52 years
197. Kambampati Akkulayya, s/o. Gangulaiah, aged 42 years
198. K.K.Chinayya, s/o. Gangaiah, aged 47 years

199. Kotturu Ramireddy, s/o. Somireddi, aged 58 years
200. Kaluvayi Kamakshamma w/o. Penchalreddi, aged 37 years
201. Duggireddi Sethamahalaxmamma w/o Hanumanreddi,aged 35 years
202. Duggisetti Nageswararao s/o Venkatasubbaiah, aged 37 years
203. Murukuti Venkataiah s/o Somaiah,aged 47 years
204. Chintamreddi Ramachandraiah s/o P.Penchaiah, aged 52 years
205. Chilaka Venkataiah s/o Pitchaiah, aged 47 years,
206. Tanneru Ankamma w/o Krishna murthy, aged 47 years
207. Lanka Kondamma w/o Eswarareddy, aged 42 years
208. Goru Vengataiah, s/o Penchalaiah, aged 42 years
209. Kambampati Penchalaiah s/o Papaiah, aged 42 years
210. Sadu Ramanaiah s/o Pedda Ankayya, aged 67 years
211. Lanka Laxminarasamma w/o Chinna Kondareddy, aged 37 years
212. Veduguganti Narasimhulu, s/o Bodayya aged 42 years
213. Tikkavarapu Jayaramaiah s/o Subbaiah, aged 42 years
214. Suru Narasimhulu s/o Bodayya, aged 37 years
215. Tikkavarapu Subbamma w/o Jayaram aged 45 years
216. Kambampati Gangulaiah s/o Avulaiah, aged 87 years
217. Tikkavarapu Subbaiah s/o Narasaiah, aged 40 years
218. Jalakam Ramanaiah s/o Ankaiah, aged 47 years
219. Pantagiri Gangamma w/o Nagaiah, aged 57 years
220. Indla Penchalaiah s/o Rangaiah, aged 52 years
221. Vommella Kasaiah s/o Narasaiah, aged 52 years
222. Bommella Ankaiah s/o Narasayya, aged 52 years
223. Bommella Polaiah, s/o Narasayya, aged 45 years
224. Cherukupalli Penchalaiah s/o Ramaiah, aged 37 years
225. Chitrapalli Penchalaiah s/o Narasayya, aged 37 years
226. Polipogu Kondaiah s/o Chinnayya, aged 45 years
227. Polipogu Achachamma w/o Chinnaiah, aged 52 years

228. Labbi Nagaiah s/o Nagaiah aged 52 years

229. Avula Pedda Narasaiah s/o Karraiah, aged 42 years

230. Polipogu Penchalaiah s/o Chinnaiah, aged 32 years

231. Dontireddy Obayya s/o Narasaiah, aged 45 years

232. Avula Ramanaiah s/o Penchalaiah, aged 32 years

(Petitioners 1 to 232 are residing at Peddayapalle (V)

H/o Koturu, Sidhavatam Tq., Cuddapah district)

233. Avula Chinnakka w/o Gopal, aged 42 years

234. Pindi Venkata Subbaiah, s/o Yellaiah, aged 37 years

235. Shaik Bibijan s/o Mastan, aged 47 years

236. Suru Ankaiah s/o Chinna Kondaiah, aged 47 years

237. Suru Chinna Ramaiah s/o Chinna Kondaiah, aged 55 years

238. S.Narasimhulu s/o Bodaiah, aged 42 years

239. S.Narasaiah, s/o Ramayya, aged 42 years

240. Nukala Subbarayudu s/o Subbaramaiah, aged 72 years

241. Avula Venkataiah s/o Yellaiah, aged 47 years

242. Angisetti Venkataramayya s/o Venkatayya, aged 37 years

243. Avula Peddanarasimhulu, s/o Karraiah, aged 42 years

244. Yamana Pullaiah s/o Venkataiah, aged 42 years

245. Koneti Ramachandraiah s/o Penchalaiah, aged 42 years

246. Shaik Khajabi w/o Hussain Saheb, aged 47 years

247. Sannappareddi Mallam Kondaiah s/o Ankaiah, aged 47 years

248. Nagella Venkatramaiah s/o Papaiah, aged 52 years

249. Suru Chinna Ramaiah s/o Chinna Kondaiah, aged 52 years

250. Suru Sitammagari Ankaiah, s/o Kondaiah, aged 47 years

251. L.V.Konda Reddy s/o Peddi Reddy, aged 44 years

252. Avula Narasaiah, s/o Penchalaiah, aged 47 years

253. Avula Roshaiah s/o Guravaiah, aged 39 years

254. Bomma Battina Erakalayya s/o Chinnayya, aged 52 years

255. Siddanna Kondaiah s/o Roshaiah, aged 47 years

256. Ch.V.Subbaraju, s/o Balarama Raju, aged 42 years
257. Chinta Venkatanarasu s/o Ramadasu, aged 47 years
258. Bommella Penchallamma w/o Bakkaiah, aged 52 years
259. Ch.Subbarayudu Raju s/o Balarama Raju, aged 45 years
260. Bommella Narasamma w/o Vengaiah, aged 47 years
261. Chamarti Venkatasubbamma w/o Subbarayudu, aged 47 years
262. Dommaraju Subbaraju s/o Chencha Raju, aged 37 years
263. Nandi Mandalam Ramanaraju s/o Nagaraju, aged 49 years
264. Chamarti Chenchanamma w/o Venkata subbaraju, aged 39 years
265. S.Ramanaiah s/o Venkata Raju, aged 42 years
266. Bommella Laxmamma w/o B.Narayana, aged 47 years
267. D.Chenchuraju s/o Chenchuraju, aged 42 years
268. Chidumalla Venkayya s/o Avulaiah, aged 47 years
269. D.Rajamma w/o Obul Raju, aged 47 years
270. K.Adavaiah s/o Vokkaiah aged 42 years
271. V.Ramana Raju s/o Nachu Raju,aged 42 years
272. Chintakayala Venkataiahs/o Venkataiah, aged 47 years
273. N.Subba Raju s/o Machuraju, aged 42 years
274. Tokala Ellaiah s/o Penchalaiah, aged 42 years
275. N.Subbarayudu, s/o Nachuraju, aged 42 years
276. Dontireddi Obayya s/o Narasaiah, aged 49 years
277. N.Ramana Raju s/o Nacharaju, aged 42 years
278. M.Eswara Reddy s/o Papi Reddy, aged 42 years
279. Yakasire Chinnaiah s/o Gangaiah, aged 57 years
280. M.Penchalaiah s/o China Narasaiah , aged 55 years
281. Chiddana Kondaiah s/o Roshaiah, aged 47 years
282. S.Venkatayya s/o Subbarayudu, aged 47 years
283. Veta Narasamma w/o Seshaiah, aged 47 years
284. A.Venkata Ramaiah s/o Angisetty Venkataiah, aged 53 years
285. Chukka Seshayya s/o Chinnayya, aged 37 years

286. Kaluvoyi Rami Reddy s/o Ankireddy, aged 57 years

287. Shaki Bubamma w/o Devam Sab, aged 47 years

288. Bomma Bothina Erukalaiah, s/o Chinnaiah, aged 47 years

289. Suru Ankaiah s/o Chinna Kondaiah, aged 42 years

290. Suru Narasimhulu s/o Chinnakondaiah, aged 42 years

291. Chinta Atchakka w/o Ramanaiah, aged 47 years

292. Narasimhulu s/o Chinna Kondaiah, aged 42 years

293. Pamarti Penchalaiah s/o Narasaiah, aged 47 years

294. Kambampati Chinnayya s/o Gangulaiah, aged 47 years

295. Mallu Laxminarasayya s/o Narasaiah, aged 47 years

296. Bommella Laxmaiah s/o Venkaiah, aged 52 years

297. Donthireddy Kondayya s/o Kondayya, aged 47 eyars

298. Tirupila Roshaiah s/o Penchalaiah, aged 47 years

299. Sanapareddi Laxminarasareddy s/o Penchalaiah, aged 47 years

300. Chinta Venkataiah s/o Penchalaiah, aged 52 years

301. Matta Subbayya s/o Chinnaiah, aged 52 years

302. Bommella Gangaiah s/o Penchalaiah, aged 37 years

303. Bommella Narasaiah s/o Laxmaiah, aged 52 years

304. Chinta Dharmaiah s/o Penchalaiah, aged 47 years

305. Bommella Chinnaiah s/o Chinnaiah, aged 52 years

306. Nakkala Narayana s/o Roshaiah aged 47 years

307. Bommella Narasayya s/o Chinnaiah, aged 52 years

308. Chappali Narayana s/o Venkaiah, aged 47 years

309. Bommilia Laxmayya s/o Narasaiah, aged 49 years

310. Avula Chinna Penchaliah s/o Karraiah, aged 52 years

(All the petitioners are residing at Poornampalle (v) H/o Kothuru, Sidhavatam Tq., Cuddpah District)

311. Kalavayi Kamakshamma w/o Penchala Reddy, aged about

42 years, r/o Peddayapalli

312. D.Krishna Reddy s/o Papi Reddy, aged about 43 years

r/o Peddayapalle village.

313. B.Subbayya s/o Sambaiah, aged about 56 years

r/o Peddayapalel village.

314. Thodeti Penchalaiah s/o Sathaiah, aged about 53 years

r/o Peddayapalli village.

(Petitioners 310 to 314 are r/o Peddayapalle & Poornampally village, h/o Kothur (V) Penagalur Mandalam,Cuddpah district)

….Petitioners

AND

1.The Government of Andhra Pradesh rep., by Irrigation &

Power Department, Secretariat,Hyderabad.

2.The Special Deputy Collector, (Land Acquisition)

Somasila Project Unit-IV, Rajampet, Cuddapah district.

3.The Superintendent Engineer, Irrigation Department

Somasila Project, Nellore.

4.The Executive Engineer, Division-4 (Irrigation)

Somasila Project, Atmakur, Nellore District.

5.The special Collector, Telugu Ganga Project,Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ more in the nature of a writ of Certiorari any other appropriate writ order or direction and to quash the award of the 2nd respondent herein in Ref.No.F.492/88 dt.7-3-1991 and to direct the respondents to abide by the findings of the earier Land Acquisition Officer and the judgment of this Hon'ble Court in W.P.No.7700/84 dt.13-3-1986 and determine and pay compensation to the petitioners herein in respect of the houses and other structures which were acquired in the year 1980 for the purpose of Somasila Project, Cuddapah district in particular, Peddayapalle & Poornampalle villages of Penagaluru Mandal, Cuddapah District.

Counsel for the Petitioners:MR.V.VENKATARAMANA

Counsel for the Respondent Nos 1to 5.: GP FOR LAND ACQUISITION

The Court made the following :

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

W.P.NO.4815 OF 1993

ORDER:

This writ petition has been filed by the petitioners seeking to quash the award of the 2nd respondent in Ref.No.F.492/88 dated 7-3-1991 and to direct the respondents to abide by the findings of the earlier Land Acquisition Officer and the Judgment of this Court in W.P.No.7700 of 1984 dated 13-03-1986 and determine and pay compensation to the petitioners in respect of the houses and others structures which were acquired in the year 1980 for the purpose of Somasila Project, Kadapa district.

A brief factual backdrop of the case is that the petitioners' lands were acquired by the respondents for the purpose of wit submersion under Somasila project by issuing 4 (1) notification under the Land Acquisition Act, (for brevity 'the Act'). Inasmuch as they are not paid any compensation, all the

petitioners have filed W.P.No.7700 of 1984. The same was disposed of directing the respondents to pay compensation in accordance with the provisions of the Act. Questioning the same, the 1st respondent preferred an appeal which was dismissed and the matter was carried in appeal before the Supreme Court. It has been observed by the Supreme Court that the Land Acquisition Officer should satisfy himself about the title of the petitioners to the properties concerned before awarding compensation to them. In spite of the same, the petitioners are not paid any compensation and as such

they filed contempt cases against the respondents. CC. No.378 of 1990 was disposed of on 12-11-1990 directing the respondents to accept the evidence from the petitioners in proof of their title to the structures if not already produced and giving liberty to the petitioners to adduce evidence and directing the land Acquisition Officer to pass an award.

It is further case of the petitioners that in fact the petitioners were evicted from their respective properties in the year 1983 itself and due to efflux of time, the properties, which are mostly thatched houses were got damaged. But the notification under Section4 (1) of the Act would clearly show the names of the petitioners and their respective properties. As the judgment in WP No.7700 of 1984 has become final, the petitioners are entitled to receive the compensation in respect of all the lands including Government poramboke lands also. Ultimately the impugned order was passed to the effect that no structures were found and the petitioners were not entitled for any compensation. Then the petitioners submitted a representation dated 19-4-91 seeking reference under Section 18 of the Act. But the 2nd respondent failed to refer the same. Hence, the writ petition.

Heard the learned counsel on either.

It is contended by the learned counsel for the petitioner that in spite of the directions issued by this Court in W.P.No.7700 of 1984 to pay the compensation to the petitioners in accordance with the provisions of the Act, the respondents-authorities have not paid the amount. It is further contended that in spite of the directions issued in the contempt case filed by the

petitioners, the respondents-authorities have not paid any compensation and meanwhile, the order impugned herein has been passed depriving the rights of the petitioners.

On a consideration of the entire material available on record, it is obvious that there is no dispute that W.P.7700 of 1984 has been filed by the petitioners and the same was disposed of with a direction to pay the compensation in accordance with law and aggrieved by the same, the respondents-authorities have preferred an appeal before the Apex Court. As could be seen from the averments of the writ petition, it is mentioned that the Apex Court has observed as under:

> ***"The Land Acquisition Officer shall satisfy himself about the title of the petitioners to the properties concerned before awarding any compensation."***

I have perused the order impugned which has been passed pursuant to the orders of the Apex Court. As rightly observed in the order impugned, the structures under reference are not applicable to the assessed waste and poramboke lands which are Government lands and also assigned lands, which cannot be acquired under the provisions of the Act and over which the petitioners will not have any title. Neither the advocate nor most of the petitioners except a few appeared for enquiry at the time of inspection of their structures. It clearly shows that the petitioners have not been evincing any interest with regard to the claim in question by producing any relevant material as to the title thereon. It is also further observed that except the 20 structures there were neither the structures nor any traces of the structures were found on the ground at all. As could be seen from the order impugned, it is manifest that the structures were notified for acquisition, in G.O.Rt.No.2095, I&P Wing dated 02.12.1980 and G.O.Rt.No.2834092, dated 28.11.1990 and according to the order of the District Collector in Circular No.II, D9, 7571/80, dated 30.9.1981, the compensation will not be paid for the structures which were notified but not existing at the time of passing of the award. Therefore, the structures were withdrawn from acquisition. The said withdrawal proposals were approved in G.O.Rt.No.1244, dated 22.12.1984 and G.O.Rt.No:871, dated 4.8.1984 and therefore, the structures were not acquired under the provisions of the Land

Acquisition Act. The 2nd respondent having held that the petitioners have not proved their title over the structures, passed the order impugned.

For the reasons stated in the fore going paragraphs, I am of the opinion that the order impugned does not suffer from any legal infirmities and the same is passed after due enquiry and following the due process of law and as such, it does not warrant any interference by this Court. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

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16-12-2004

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To

1.The Irrigation & Power Department, Government of

A.P.,Secretariat,Hyderabad.

2.The Special Deputy Collector, (Land Acquisition)

Somasila Project Unit-IV, Rajampet, Cuddapah district.

3.The Superintendent Engineer, Irrigation Department

Somasila Project, Nellore.

4.The Executive Engineer, Division-4 (Irrigation)

Somasila Project, Atmakur, Nellore District.

5.The special Collector, Telugu Ganga Project,Nellore.

6. Two CCs to GP for Land Acquisition, High Court buildings,

Hyderabad (OUT)

7. Two CD copies.